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REMARKS

The present response is to the Office Action mailed in the above-referenced case on March 30, 2004. Claims 1-23 are presented for examination. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Welter (US 6,633,912) hereinafter Welter. Claims 3-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welter, in view of Stark (US 5,935,210) hereinafter Stark.

Applicant has carefully studied the prior art cited and applied by the Examiner, along with the rejections and statements of the instant Office Action.

In so doing the applicant is aware that the disclosure of the Welter patent 6,633,912, relied upon is a continuation-in-part of S/N 09/651,833 which is a continuation of S/N 09/170,130, now US Patent 6,138,157. Having reviewed 6,138,157 the applicant is aware that the material from Welter relied upon by the Examiner in the rejections is not a part of US 6,138,157. Therefore the prior art date cannot be the 10/12/98 date of the parent case to the relied-upon Welter. The Welter Patent also refers to provisional application 60/221,832 filed on 7/28/2000, but the applicant has no access to that disclosure, and has no confidence that the material relied upon is entitled to that date either, which is but 17 days prior to the applicant's filing date for a non-provisional application.

The applicant therefore respectfully requests that the Examiner verify the proper prior art date for the relied-upon Welter patent and provide that information in the next communication from the Office in this case.

Nevertheless, in response to the rejections the applicant has decided to amend the base claims to more particularly point out the patentable subject

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matter of applicant's invention. The applicant however reserves the right to broaden the claims again if it turns out that the relied upon teaching of Welter is only entitled to the filing date of 7/13/2001.

Regarding claims 1 and 11, the Examine states that Welter discloses a software tool (enterprise portal software 602, 1060) for enabling automated tracking of activity related to the statistics (monitoring and analyzing status and performance) of a plurality of Web sites on a data packet network.

Applicant herein amends claims 1 and 11 to point out that the data retrieved from the software tool is specific to the process of creating functional software routines for enabling automated access to information and functional services offered through the Web sites.

Applicant points out that the system of Welter is specifically for enabling a client to monitor for errors a plurality of proprietary servers hosting Web sites. Welter teaches a distributed hardware network with various applications for monitoring servers and detecting errors encountered by users. Welter reports the errors to the proprietors for correction.

Applicant argues Welter does not teach or suggest an ability to collect or utilize data from monitored Web sites for the purpose of creating software routines enabling automated proxy service for users. Applicant points out that data gathered from error reporting would not enable or aid in the automated proxy software being created by the Web developer 210 of applicant's invention.

It is a responsibility of Web developer 210 to create functional software routines for enabling automated access to functional services offered through interactive information pages (Web sites) contained in servers 207 and 209. It is also the responsibility of developer 210 to maintain functional access to such services over time by adapting to any changes in states or conditions that occur for any of the target Web sites.

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In applicant's invention a production database 200 is provided for keeping track of production status related to the process of automating a Web site. In order to fully automate a Web site, data about the target site must be obtained using function 231. For example, HTML data structure must be obtained for each site, interface information for various applets and software used on the Web site. The data paths and processes used to access services from a site must be mapped. It may also be desired to record other data during a monitoring period before any automated routines are written for providing proxy access to a site. When enough data is obtained about a site by virtue of monitoring and statistics gathering function 231, the target site is assigned to developer 210 for production and future maintenance.

Applicant argues that because Welter teaches data gathering specifically for correcting Web site errors encountered by users, the data needed for automation design is not obtained by the monitoring system of Welter. Applicant believes claims 1 and 11, as amended are patentable over the art of Welter. Claims 2-10 and 12-18 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant's method claim 19 is also herein amended to add the limitation of utilizing the data to create functional software routines enabling automated access to information and functional services offered through the Web sites. Applicant believes claim 19 is patentable as argued above on behalf of claims 1 and 11. Claims 20-23 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims presented are now patentable to applicant, it is respectfully requested that the claims be reconsidered, and that the case be passed quickly to issue. If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account

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50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
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by 

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